

Amendments to the Drawings:

The attached sheets of drawings includes changes to FIG. 4. These sheets, which include FIGS. 4A-4D, replace the original sheet including FIG. 4. As illustrated in the replacement sheets, the originally-filed FIG. 4 has been divided into four separate drawing sheets, adhering to the border and font requirements requested by the Examiner in the Office Action. As illustrated, FIGS. 4A-4D show a flow diagram with FIG. 4A appearing at the upper left portion of the flow, FIG. 4B appearing at the upper right portion of the flow, FIG. 4C appearing at the lower left portion of the flow, and FIG. 4D appearing at the lower right portion of the flow. Additionally, alphabetic indicators have been added indicating the appropriate connection of the flow where the flow encounters a page break.

REMARKS

The Office Action mailed April 10, 2007, has been received and reviewed. Prior to the present communication, claims 1-47 were pending in the subject application. All claims stand rejected. More specifically, claims 7, 18, 29, 36, and 43 stand rejected under 35 U.S.C. § 112 ¶ 1 on the basis that the disclosure is a non-enabling and 35 U.S.C. § 112 ¶ 2 on the basis that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 23-29 and 44-47 stand rejected under 35 U.S.C. § 101 on the basis that the claims are directed to non-statutory subject matter. Claims 1, 2, 9, 11-13, 20, 22-24, 30-31 and 37-38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,664,206 to Murrow et al. (hereinafter the "Murrow reference"). Claims 3-7, 10, 14-18, 21, 25-29, 32-36 and 39-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Murrow reference in view of U.S. Patent No. 6,035,121 to Chiu et al. (hereinafter the "Chiu reference"). Claims 1, 7, 12, 18, 23, 29, 30, 36, 37, 43, and 44 have been amended herein. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

Amendments to the Specification

It is stated in the Office Action that the disclosure of the present application is objected to because of various informalities. *See, Office Action*, at p. 2, ¶ 3. The Specification has been amended herein and, as currently amended, the Specification is believed to overcome the objections. Specifically, Applicants have amended the title and the abstract to remove any reference to "systems" and/or "methods."

Amendments to the Claims

Claims 1, 7, 12, 18, 23, 29, 30, 36, 37, 43, and 44 have been amended herein. Care has been exercised to avoid the introduction of new matter. Support for the various amendments can be found in the Specification. *See, e.g., Specification* at pp. 10-11, ¶¶ [0031]-[0033].

Amendments to the Drawings

It is stated in the Office Action that the drawings are objected to because the size of the characters is too small and because the margins are not proper. *See, e.g., Office Action* at p. 2, ¶ 2. The drawings have been amended as set forth above and are now believed to be in condition to overcome the objections.

Rejections based on 35 U.S.C. § 112

Claims 7, 18, 29, 36 and 43 stand rejected under 35 U.S.C. § 112 on the basis that the disclosure is not enabling. Claims 7, 18, 29, 36, and 43 have been amended herein and, as amended replace the limitation “at least substantially simultaneously” with the limitation “simultaneously.” Applicants respectfully submit that, as amended, claims 7, 18, 29, 36, and 43 are enabled by the disclosure and overcome the 35 U.S.C. § 112 rejections. Thus, Applicants respectfully request withdrawal of the 35 U.S.C. § 112 rejections.

Rejections based on 35 U.S.C. § 101

The United States Supreme Court has recognized that the expansive language of 35 U.S.C. § 101 includes as statutory subject matter “anything under the sun that is made by man.” *Diamond v. Chakrabarty*, 447 U.S. 303, 308-09 (1980). The USPTO has adopted the Supreme Court’s interpretation and has stated that, in practice, the complete definition of the scope of 35 U.S.C. § 101 “is that any new and useful process, machine, manufacture or

composition of matter under the sun that is made by man is the proper subject matter of a patent.” MPEP 2106(IV)(A). More specifically, the MPEP states that “computer programs are often recited as part of a claim.” MPEP 2106.01(I). In considering such claims, “USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim.” *Id.*; see also *In re Beauregard*, 53 F.3d 1582 (Fed. Cir. 1995). “The same result occurs when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program.” MPEP 2106.01(I).

Claims 23-29 and 44-47 stand rejected under 35 U.S.C. § 101 on the basis that the claims recite a judicial exception (software). As amended herein, claims 23-29 and 44-47 are directed to a statutory subject matter and are not directed to a judicially excepted category under 35 U.S.C. § 101. Specifically, independent claim 23 now includes the limitation “storing the run-time translation resources for selective installation in a software application associated with the source software component to a tangible computer-readable medium.” Applicants respectfully submit that the currently amended claim 23 is proper and, therefore, withdrawal of the 35 U.S.C. § 101 rejection of claim 23 and claims 24-29, which depend from independent claim 23, is respectfully requested. Similarly, independent claim 44 now includes the limitation “storing the run-time translation resources as incorporated in the localized application.” Applicants respectfully submit that the currently amended claim 44 is proper and, therefore, withdrawal of the 35 U.S.C. § 101 rejection of claim 44 and claims 45-47, which depend from independent claim 44, is respectfully requested.

Rejections based on 35 U.S.C. § 102

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 19133, 1920 (Fed. Cir. 1989); *see also*, MPEP § 2131.

Claims 1, 2, 9, 11-13, 20, 22-24, 30-31 and 37-38 have been rejected under 35 U.S.C. § 102(b) as being anticipated by the Murrow reference. As the Murrow reference does not describe, either expressly or inherently, each and every element of the amended claims, Applicants respectfully traverse the rejection as hereinafter set forth.

Independent claim 1, as currently amended, recites a method for generating a software translation which comprises, in part, storing the run-time translation resources for selective installation in a software application associated with the source software component, the source software component subjected to an *automated quality control*, the automated quality control *accessing one or more code internationalization standards* and *preventing completion of a code build* where the source software component is not properly internationalized according to the one or more code internationalization standards. As stated in the Specification, the automated quality control process allows “developers and vendors to trap and avoid internationalization issues from the beginning” by failing code that is not properly internationalized. *Specification*, at p. 11, ¶ [0033].

By way of contrast, the Murrow reference discloses a system and method for localizing computer programs. *See generally Murrow reference*. Notably, although the Murrow

reference discloses various translation features, the Murrow reference does not disclose an automated quality control that accesses one or more code internationalization standards and prevents completion of a code build where the source software is not properly internationalized. *See id.* For instance, the distinction between the present invention and the Murrow reference is highlighted in FIG. 4, which shows a software build occurring at step 116 without any quality control whatsoever (the checking for bugs occurs later in the flow). *See Murrow reference* at FIG. 4. Further, the Murrow reference fails to disclose the quality control accessing code internationalization standards as required by currently amended claim 1. Accordingly, it is respectfully submitted that the Murrow reference fails to describe, either expressly or inherently, each and every element of currently amended claim 1. Moreover, the Murrow reference fails to show the identical invention in as complete detail as contained in the claim. Thus, claim 1 is not anticipated by the Murrow reference and withdrawal of the 35 U.S.C. § 102(b) rejection of this claim is respectfully requested.

With reference to independent claim 12, as currently amended, a system is recited for generating a software translation which comprises, in part, a source software component that is subjected to an *automated quality control*, the automated quality control *accessing one or more code internationalization standards* and *preventing completion of a code build* where the source software component is not properly internationalized according to the one or more code internationalization standards. By way of contrast, as previously stated, the Murrow reference discloses a system and method for localizing computer programs. The Murrow reference, however, fails to disclose automated quality control. Further, the Murrow reference fails to disclose the quality control accessing one or more internationalization standards and preventing completion of a code build where the source software component is not properly

internationalized. Accordingly, it is respectfully submitted that the Murrow reference fails to describe, either expressly or inherently, each and every element of currently amended claim 12. Thus, claim 12 is not anticipated by the Murrow reference and withdrawal of the 35 U.S.C. § 102(b) rejection of this claim is respectfully requested.

With reference to independent claim 23, as currently amended, a system is recited for generating a software translation which comprises, in part, a source software component that is subjected to an *automated quality control*, the *automated quality control accessing one or more code internationalization standards* and *preventing completion of a code build* where the source software component is not properly internationalized according to the one or more code internationalization standards. By way of contrast, as previously stated, the Murrow reference discloses a system and method for localizing computer programs. The Murrow reference, however, fails to disclose an automated quality control feature. Further, the Murrow reference fails to disclose the quality control feature accessing one or more internationalization standards and preventing completion of a code build where the source software component is not properly internationalized. Accordingly, it is respectfully submitted that the Murrow reference fails to describe, either expressly or inherently, each and every element of currently amended claim 23. Moreover, the Murrow reference fails to show the identical invention in as complete detail as contained in the claim. Thus, claim 23 is not anticipated by the Murrow reference and withdrawal of the 35 U.S.C. § 102(b) rejection of this claim is respectfully requested.

With reference to independent claim 30, as currently amended, a computer-readable medium is recited, the computer-readable medium being readable to execute a method for generating a software translation which comprises, in part, storing the run-time translation resources for selective installation in a software application associated with the source software

component, the source software component subjected to an *automated quality control*, the automated quality control *accessing one or more code internationalization standards* and *preventing completion of a code build* where the source software component is not properly internationalized according to the one or more code internationalization standards. By way of contrast, as previously stated, the Murrow reference discloses a system and method for localizing computer programs. The Murrow reference, however, fails to disclose an automated quality control feature. Further, the Murrow reference fails to disclose the quality control feature accessing one or more internationalization standards and preventing completion of a code build where the source software component is not properly internationalized. Accordingly, it is respectfully submitted that the Murrow reference fails to describe, either expressly or inherently, each and every element of currently amended claim 30. Moreover, the Murrow reference fails to show the identical invention in as complete detail as contained in the claim. Thus, claim 30 is not anticipated by the Murrow reference and withdrawal of the 35 U.S.C. § 102(b) rejection of this claim is respectfully requested.

With reference to independent claim 37, as currently amended, run-time translation resources for incorporation into a non-localized application to generate a language-translated version of the non-localized application, the run-time translation resources being generated according to a method which comprises, in part, storing the run-time translation resources for selective installation in a software application associated with the source software component, the source software component subjected to an *automated quality control*, the automated quality control *accessing one or more code internationalization standards* and *preventing completion of a code build* where the source software component is not properly internationalized according to the one or more code internationalization standards. By way of

contrast, as previously stated, the Murrow reference discloses a system and method for localizing computer programs. The Murrow reference, however, fails to disclose an automated quality control feature. Further, the Murrow reference fails to disclose the quality control feature accessing one or more internationalization standards and preventing completion of a code build where the source software component is not properly internationalized. Accordingly, it is respectfully submitted that the Murrow reference fails to describe, either expressly or inherently, each and every element of currently amended claim 37. Moreover, the Murrow reference fails to show the identical invention in as complete detail as contained in the claim. Thus, claim 37 is not anticipated by the Murrow reference and withdrawal of the 35 U.S.C. § 102(b) rejection of this claim is respectfully requested.

As the Murrow reference fails to describe, either expressly or inherently, each and every element of independent claims 1, 12, 23, 30, and 37, it is respectfully submitted that these claims are not anticipated by the Murrow reference. Each of claims 2, 9, 11, 13, 20, 22, 24, 31, and 38 depends, either directly or indirectly, from one of claims 1, 12, 23, 30, and 37 and is, accordingly, not anticipated by the Murrow reference for at least the above-cited reasons. Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejection of claims 2, 9, 11, 13, 20, 22, 24, 31, and 38 depends is respectfully requested.

Rejections based on 35 U.S.C. § 103

Title 35 U.S.C. § 103(a) declares, a patent shall not issue when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying: the scope and

content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

To support a finding of obviousness, the initial burden is on the Office to apply the framework outlined in *Graham* and to provide some reason, or suggestion or motivation found either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the prior art reference or to combine prior art reference teachings to produce the claimed invention. See, *Application of Bergel*, 292 F. 2d 955, 956-957 (1961). Thus, in order “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” See MPEP § 2143. Recently, the Supreme Court elaborated, at pages 13-14 of *KSR*, it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application].” *KSR v. Teleflex*, 127 S. Ct. 1727 (2007).

Claims 3-7, 10, 14-18, 21, 25-29, 32-36, 39-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,664,206 to Murrow et al. in view of U.S.

Patent No. 6,035,121 to Chiu et al. As a *prima facie* case of obviousness has not been established, Applicants respectfully traverse this rejection as hereinafter set forth.

Claims 3-7 and 10 depend from independent claim 1, which includes a limitation directed to an *automated quality control*, the automated quality control *accessing one or more code internationalization standards* and *preventing completion of a code build* where the source software component is not properly internationalized according to the one or more code internationalization standards. As previously stated, the Murrow reference fails to describe, either expressly or inherently, each and every element of currently amended claim 1. Applicants respectfully submit that claims 3-7 and 10 are allowable at least by virtue of their dependency from allowable claim 1. Further, the addition of the Chiu reference fails to cure the above-noted deficiency. *See generally Chiu reference.* Thus, in addition to its dependency from allowable claim 1, Applicants respectfully submit that the Murrow and Chiu references, either alone or in combination, fail to teach or suggest each of the limitation of claims 3-7 and 10 under 35 U.S.C. § 103(a).

Claims 14-118 and 21 depend from independent claim 12, which includes a limitation directed to an *automated quality control*, the automated quality control *accessing one or more code internationalization standards* and *preventing completion of a code build* where the source software component is not properly internationalized according to the one or more code internationalization standards. As previously stated, the Murrow reference fails to describe, either expressly or inherently, each and every element of currently amended claim 12. The addition of the Chiu reference fails to cure the above-noted deficiency. *See generally Chiu reference.* As such, Applicants respectfully submit that claims 14-18 and 21 are allowable at least by virtue of their dependency from allowable claim 12.

Claims 25-29 depend from independent claim 23, which includes a limitation directed to an *automated quality control*, the automated quality control *accessing one or more code internationalization standards* and *preventing completion of a code build* where the source software component is not properly internationalized according to the one or more code internationalization standards. As previously stated, the Murrow reference fails to describe, either expressly or inherently, each and every element of currently amended claim 23. The addition of the Chiu reference fails to cure the above-noted deficiency. *See generally Chiu reference*. Applicants respectfully submit that claims 25-29 are allowable at least by virtue of their dependency from allowable claim 23.

Claims 32-36 depend from independent claim 30, which includes a limitation directed to an *automated quality control*, the automated quality control *accessing one or more code internationalization standards* and *preventing completion of a code build* where the source software component is not properly internationalized according to the one or more code internationalization standards. As previously stated, the Murrow reference fails to describe, either expressly or inherently, each and every element of currently amended claim 30. The addition of the Chiu reference fails to cure the above-noted deficiency. *See generally Chiu reference*. Applicants respectfully submit that claims 32-36 are allowable at least by virtue of their dependency from allowable claim 30.

Claims 39-43 depend from independent claim 37, which includes a limitation directed to an *automated quality control*, the automated quality control *accessing one or more code internationalization standards* and *preventing completion of a code build* where the source software component is not properly internationalized according to the one or more code internationalization standards. As previously stated, the Murrow reference fails to describe,

either expressly or inherently, each and every element of currently amended claim 37. Further, the addition of the Chiu reference fails to cure the above-noted deficiency. *See generally Chiu reference*. Applicants respectfully submit that claims 39-43 are allowable at least by virtue of their dependency from allowable claim 37.

With reference to independent claim 44, as currently amended, a localized application is recited, the localized application being generated according to a method which comprises, in part, incorporating the run-time translation resources in the localized application, prior to the localized application receiving the run-time translation resources, the localized application being subjected to an *automated quality control*, the automated quality control *accessing one or more code internationalization standards and preventing completion of a code build* where the localized application is not properly internationalized according to the one or more code internationalization standards. By way of contrast, as previously stated, the Murrow reference discloses a system and method for localizing computer programs. The Murrow reference, however, fails to disclose an automated quality control feature. Further, the Murrow reference fails to disclose the quality control feature accessing one or more internationalization standards and preventing completion of a code build where the source software component is not properly internationalized. The Chiu reference fails to cure the deficiency of the Murrow reference. Accordingly, it is respectfully submitted that the Murrow and Chiu references, either alone or in combination, fail to teach or suggest each of the limitations of currently amended independent claim 44 under 35 U.S.C. § 103(a). Thus, withdrawal of the 35 U.S.C. § 103(a) rejection of this claim is respectfully requested.

Claims 45-47 depend from independent claim 44, which includes a limitation directed to an *automated quality control*, the automated quality control *accessing one or more*

code internationalization standards and preventing completion of a code build where the source software component is not properly internationalized according to the one or more code internationalization standards. As previously stated, the Murrow reference fails to describe, either expressly or inherently, each and every element of currently amended claim 44. Further, the addition of the Chiu reference fails to cure the above-noted deficiency. *See generally Chiu reference.* Applicants respectfully submit that claims 45-47 are allowable at least by virtue of their dependency from allowable claim 44.

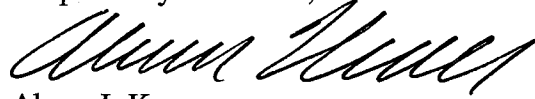
CONCLUSION

For at least the reasons stated above, and upon entry of the amendments proposed herein, claims 1-47 are believed to be in condition for allowance. As such, Applicants respectfully request withdrawal of the pending rejection and allowance of claims 1-47. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action.

The fee for an extension of time of one month is transmitted herewith. It is believed that no additional fee is due in conjunction with the present communication. However, if this belief is in error, the Commissioner is hereby authorized to charge any additional amount required to Deposit Account No. 19-2112, referencing attorney docket number CRNL107553.

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Respectfully submitted,



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